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MAILED
MAR 24 2011
OFFICE OF PETITIONS
ON PETITION

In re Patent No. 5,794,847
Issue Date: August 18, 1998
Application No. 08/738,415
Filed: October 25, 1996
Attorney Docket: 1525A

This is a decision on the petition under 37 CFR 1.378(c), filed December 13, 2010 to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (2) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above.

A review of the record shows the NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE mailed on September 9, 2010 informed patentee that the \$2,120.00 fees were being refunded as the fees were untimely. Further, a call made on February 23, 2011 requesting the submission of the \$2,055.00 maintenance fee has failed to result in the submission of the maintenance fee.

The Office is in receipt of \$1640.00, the unintentional fee.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office

Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant", followed by a stylized flourish.

Charlema Grant
Petitions Attorney
Office of Petitions